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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/672,450	09/29/2000	Jonathan C. Kagle	03797.00006	1290

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EXAMINER

MARIAM, DANIEL G

ART UNIT	PAPER NUMBER
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2621

DATE MAILED: 09/11/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/672,450

Applicant(s)

KAGLE ET AL.

Examiner

DANIEL G MARIAM

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-27 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)                      4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_.
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)                      5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_.
- 6) ☐ Other: \_\_\_\_\_.

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-27 are rejected under 35 U.S.C. 102(b) as being anticipated by  
Ise, et al. (5,140,647).

With regard to claim 1, Ise, et al discloses capturing an image (inputting an image or reading an image using an image input apparatus, such as a scanner), dividing the image into a plurality of image segments, i.e., image portions, performing image processing, i.e., performing image joining using an image processor, on each of the plurality of image segments; and storing each of the plurality of image segments on the storage medium, i.e., memory (col. 1, lines 38-46; col. 13, lines 15-58; and Figs. 1-3, and 18). The recitation “a method for decreasing image acquisition time in a digital image Device” has not been given patentable weight because the recitation occurs in the preamble. A preamble is generally not accorded any patentable weight where it merely recites the purpose of a process or the intended use of a structure, and where the body of the claim does not depend on the preamble for completeness but, instead, the process steps or structural limitations are able to stand alone. See *In re Hirao*, 535 F.2d 67, 190 USPQ 15 (CCPA 1976) and *Kropa v. Robie*, 187 F.2d 150, 152, 88 USPQ 478, 481 (CCPA 1951). Nevertheless, this feature reads on col. 1, lines 7-11 and lines 32-48).

With regard to claim 2, the method according to claim 1, wherein the performing step comprises performing image processing on each of the plurality of image segments sequentially (See for example, col.1, lines 43-46).

With regard to claim 3, the method according to claim 2, wherein the storing step comprises beginning storage of each of the plurality of image segments as soon as a first

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one of the plurality of image segments arrives at the storage medium (See for example, item 11, in Fig.1).

With regard to claim 4, the method according to claim 3, wherein the performing step and the storing step are performed simultaneously on at least two of the plurality of image segments (See for example, items 21 and 22, which are processed simultaneously and stored in item 23 as illustrated in Fig. 3).

With regard to claim 5, the method according to claim 3, wherein the dividing step comprises: dividing the image into a plurality of image segments that overlap one another (See for example, col.4, lines 47-48; and col. 13, lines 24-27).

With regard to claim 6, the method according to claim 1, further comprising: stitching, i.e., joining, the plurality of image segments together to restore the image after the performing step (See for example, item 23, in Fig.3; and col. 2, lines 2-9).

With regard to claim 7, the method according to claim 6, wherein the stitching step comprises: stitching the plurality of image segments together sequentially following the performing step (See for example, Figs. 3 and 18).

With regard to claim 8, the method according to claim 6, wherein the performing step comprises: performing at least a portion of the image processing in at least two parallel image processing stages (See the processing stages shown in Fig.18).

With regard to claim 9, the method according to claim 1, wherein the performing step comprises: performing at least a portion of the image processing in at least two parallel image processing stages (See the processing stages shown in Fig. 18).

Claim 10 is rejected the same as claim 1. Thus, argument analogous to that presented above for claim 1 is applicable to claim 10. Ise, et al further discloses a computer-readable medium computer-executable instructions for performing the steps recited in the claim (See for example, Figure 1).

Claims 11, 12, 13, 14, 15, 16, 17, and 18 are rejected the same as claims 2, 3, 4, 5, 6, 7, 8, and 9 respectively. Thus, arguments analogous to those presented above for claims 2, 3, 4, 5, 6, 7, 8, and 9 are respectively applicable to claims 11, 12, 13, 14, 15, 16, 17, and 18.

Claim 19 is rejected the same as claim 1 except claim 19 is an apparatus claim. Thus, argument similar to that presented above for claim 1 is equally applicable to claim 19.

Claims 20, 21, 22, and 23 are rejected the same as claims 2, 3, 6, and 8 respectively except claims 20, 21, 22, and 23 are apparatus claims. Thus, arguments analogous to those presented above for claims 2, 3, 6, and 8 are respectively applicable to claims 20, 21, 22, and 23.

With regard to claim 24, the method according to claim 1, further comprising: storing image file information on the storage medium, wherein the image file information corresponds to the plurality of image segments for an image stored on the storage medium (See for example, item 9, in Fig.1); and updating the image file information that has been affected by the image processing performed on any one of the plurality of image segments (See for example, col. 4, lines 35-60).

With regard to claim 25, the method according to claim 24, further comprising: modifying, i.e., correcting, at least one of the plurality of image segments stored on the storage medium that has been affected by the image processing performed on subsequent ones of the plurality of image segments stored on the storage medium (See for example, col. 4, lines 35-60).

Claims 26 and 27 are rejected the same as claims 24 and 25 respectively. Thus, arguments analogous to those presented above for claims 24 and 25 are respectively applicable to claims 26 and 27.

### ***Conclusion***

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. US Patent Numbers: 4979096, 5682197, 5986668, 6054999, and 6173077.

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4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to DANIEL G MARIAM whose telephone number is 703-305-4010. The examiner can normally be reached on M-F (7:00-4:30) FIRST FRIDAY OFF.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, LEO BOUDREAU can be reached on 703-305-4607. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-306-0377.

  
**DANIEL MARIAM**  
**PRIMARY EXAMINER**  
ART UNIT 2621

September 5, 2003